

October 19, 2023

To the U.S. Bankruptcy Court Eastern District NY  
Honorable Louis A Scarcella  
And the U.S. Trustee – Michael Macco, Esq.  
**Docket No.8-23-72809 – In Re Michael T. Dolan, Sr.**

### **VOLUNTARY WITHDRAWAL FROM CHAPTER 13**

This letter represents my formal withdrawal from Chapter 13.

I've officially released my attorney Richard Artura on 10/18/23 who no longer represents me in any capacity.

The Court not allowing time for alternative considerations was unfair and based on inaccurate information.

The amount of debt claimed owed by 21<sup>st</sup> Mortgage is incorrect. The assumptions made on the debt presented by 21<sup>st</sup> Mortgage Corporation were incorrect. These did not even align with the inflated state court judgment.

This led to a "lack of equity" conclusion by the Court which was based on information the Court described as inconclusive at best. The Court stated how both counsels failed to provide the Court with adequate documentation which now has punished my family. The calculations made on the "protection of equity percentage," were misguided.

Extending the "automatic stay" was not unreasonable and important to prevent these parties from selling our home.

The reason 21<sup>st</sup> Mortgage Corporation denied considering a loan modification was simply because of the filed Chapter 13. (See 21<sup>st</sup> letter on Docket # ).

21<sup>st</sup> Mortgage Corporation's intent to rush through and sell our home over these last three years has been and remains their scramble to cover up the fraud committed on my family. The refusal by 21<sup>st</sup> Mortgage to even pretend to review our financials makes this point.

For more than 20 years we have explained this to federal & state courts and have been successful when given the opportunity to show the facts. In the 2012 state court decision and judgment, in which the court ordered the parties to "reinstate the mortgage," was not done.

The 21<sup>st</sup> Mortgage Corporation became a party in 2012-2013 and failed to comply with this 2012 NY State Supreme Court order ever since.

Hearing the Court recite that the mortgage has not been paid on since 2012 was disconcerting and shows the lack of understanding to what our family has been dealing with since 2012. We have not had our case against 21<sup>st</sup> Mortgage Corporation heard on the merits.

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These filings (2020, 2022 & 2023) were good faith attempts to resolve while trying to show the fraud which has occurred. In this past July, the Court allowed this last filing provided I had representation.

Today there is no denying what has gone on in the mortgage industry over these last 20+ years. The Court should be aware of this more than others.

I'm allowed to object to this debt. The decision not to review based on Res Judicata is arguable. The Court could allow this to have been heard in state court while remaining in Chapter 13. Especially because no parties were at risk of harm.

Respectfully, I withdraw and make this request for the U.S. Trustee to release all my funds allocated to the proposed Chapter 13 plan be returned to me at the earliest convenience.

Thank you.

X. Michael T. Dolan, Sr.

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Michael T. Dolan, Sr. – PRO SE  
21 Kent Place  
Smithtown, New York, 11787  
631-835-7205  
mtdsr2004@yahoo.com